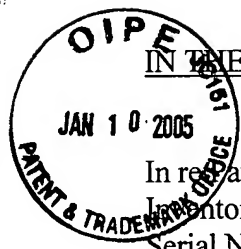


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket 3070A

In re Patent Application of:

Inventor: Joel D. Martz
Serial No.: 10/702,098
Filed: November 5, 2003
For: Construction Of Carpet With Breathable
Examiner:
Group Art Unit: 1771

Transmitted Via Express Mail, Label No. EU812165030US

Commissioner for Patents
Alexandria VA. 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

The following art is believed to be of interest in the examination of the above-identified patent application.

UNITED STATES PATENTS

<u>PATENT NO.</u>	<u>INVENTOR</u>	<u>DATE OF ISSUE</u>
5,656,167	Martz	August 12, 1997
5,612,113	Irwin	March 18, 1997

DISCUSSION OF ART

The significance of the Martz teaching appears on page 5 of the present specification. The significance of the Irwin teaching appears on page 9 of the present specification.

Also, with respect to Irwin, the construction of the carpet is disclosed generally at column 4 at lines 42-51. Also, Figs. 2 and 3 show elements corresponding to the arrangement of the three elements of present claim 1, namely, a tufting layer and a backing

layer with a further element located between the tufting layer and the backing layer. In present claim 1, the further element is a breathable membrane impervious to liquid while, in Irwin, the further element is a non-breathable layer of material which is impervious to liquid. The teaching of Irwin is representative of the state of the prior art presented in the Background of the Invention of the present specification, and is clearly distinguishable from the present invention because Irwin constructs a carpet which is not breathable and introduces the problem of entrapment of moisture in a floor covered by the carpet.

Accordingly, it appears that claims in the present patent application should be allowable.

Copies of the foregoing art, and a listing of the art on PTO Form 1449 are enclosed.

Respectfully submitted,



David M. Warren

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January 10, 2005

JAN 10 2005

(Use several sheets if necessary)

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10/702,098

MARTZ, J.D.

11/5/2003

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DATE CONSIDERED

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE